



General Assembly

February Session, 2008

***Raised Bill No. 484***

LCO No. 2165

\*02165\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT REQUIRING NONCUSTODIAL PARENTS TO PROVIDE  
EMERGENCY CONTACT INFORMATION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-56 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) In any controversy before the Superior Court as to the custody or  
4 care of minor children, and at any time after the return day of any  
5 complaint under section 46b-45, the court may make or modify any  
6 proper order regarding the custody, care, education, visitation and  
7 support of the children if it has jurisdiction under the provisions of  
8 chapter 815p. Subject to the provisions of section 46b-56a, the court  
9 may assign parental responsibility for raising the child to the parents  
10 jointly, or may award custody to either parent or to a third party,  
11 according to its best judgment upon the facts of the case and subject to  
12 such conditions and limitations as it deems equitable. The court may  
13 also make any order granting the right of visitation of any child to a  
14 third party to the action, including, but not limited to, grandparents.

15 (b) In making or modifying any order as provided in subsection (a)

16 of this section, the rights and responsibilities of both parents shall be  
17 considered and the court shall enter orders accordingly that serve the  
18 best interests of the child and provide the child with the active and  
19 consistent involvement of both parents commensurate with their  
20 abilities and interests. Such orders may include, but shall not be  
21 limited to: (1) Approval of a parental responsibility plan agreed to by  
22 the parents pursuant to section 46b-56a; (2) the award of joint parental  
23 responsibility of a minor child to both parents, which shall include (A)  
24 provisions for residential arrangements with each parent in accordance  
25 with the needs of the child and the parents, and (B) provisions for  
26 consultation between the parents and for the making of major  
27 decisions regarding the child's health, education and religious  
28 upbringing; (3) the award of sole custody to one parent with  
29 appropriate parenting time for the noncustodial parent where sole  
30 custody is in the best interests of the child; or (4) any other custody  
31 arrangements as the court may determine to be in the best interests of  
32 the child.

33 (c) In making or modifying any order as provided in subsections (a)  
34 and (b) of this section, the court shall consider the best interests of the  
35 child, and in doing so may consider, but shall not be limited to, one or  
36 more of the following factors: (1) The temperament and developmental  
37 needs of the child; (2) the capacity and the disposition of the parents to  
38 understand and meet the needs of the child; (3) any relevant and  
39 material information obtained from the child, including the informed  
40 preferences of the child; (4) the wishes of the child's parents as to  
41 custody; (5) the past and current interaction and relationship of the  
42 child with each parent, the child's siblings and any other person who  
43 may significantly affect the best interests of the child; (6) the  
44 willingness and ability of each parent to facilitate and encourage such  
45 continuing parent-child relationship between the child and the other  
46 parent as is appropriate, including compliance with any court orders;  
47 (7) any manipulation by or coercive behavior of the parents in an effort  
48 to involve the child in the parents' dispute; (8) the ability of each  
49 parent to be actively involved in the life of the child; (9) the child's

50 adjustment to his or her home, school and community environments;  
 51 (10) the length of time that the child has lived in a stable and  
 52 satisfactory environment and the desirability of maintaining continuity  
 53 in such environment, provided the court may consider favorably a  
 54 parent who voluntarily leaves the child's family home pendente lite in  
 55 order to alleviate stress in the household; (11) the stability of the child's  
 56 existing or proposed residences, or both; (12) the mental and physical  
 57 health of all individuals involved, except that a disability of a  
 58 proposed custodial parent or other party, in and of itself, shall not be  
 59 determinative of custody unless the proposed custodial arrangement is  
 60 not in the best interests of the child; (13) the child's cultural  
 61 background; (14) the effect on the child of the actions of an abuser, if  
 62 any domestic violence has occurred between the parents or between a  
 63 parent and another individual or the child; (15) whether the child or a  
 64 sibling of the child has been abused or neglected, as defined  
 65 respectively in section 46b-120 of the 2008 supplement to the general  
 66 statutes; and (16) whether the party satisfactorily completed  
 67 participation in a parenting education program established pursuant  
 68 to section 46b-69b. The court is not required to assign any weight to  
 69 any of the factors that it considers.

70 (d) (1) In making or modifying any order as provided in subsections  
 71 (a) and (b) of this section, the court shall order any parent not awarded  
 72 sole custody of the child to provide the other parent with emergency  
 73 notification contact information, including the parent's address and  
 74 telephone number, for use in the event of an emergency with respect to  
 75 the child, except that the court may decline to enter such order if the  
 76 court finds (A) the parent objects to providing such contact  
 77 information and has shown good cause to refuse to disclose such  
 78 contact information, or (B) the parent is ineligible for visitation  
 79 pursuant to section 46b-59b or any other provision of law. Such good  
 80 cause may include, but need not be limited to, the existence of a  
 81 restraining order against the other parent.

82 (2) If the court finds that the objecting parent has shown good cause

83 to refuse to disclose such contact information, the court shall order the  
84 parent to provide such contact information to the Commissioner of  
85 Children and Families, who shall maintain such information as  
86 confidential, except that the commissioner may release such  
87 information to school or medical personnel or law enforcement  
88 officials if the commissioner finds that such disclosure is necessary for  
89 the welfare of the child, provided such contact information shall not be  
90 disclosed further without the consent of the parent.

91 (3) With respect to any order issued under this subsection that  
92 requires a parent to provide contact information, the court shall  
93 include a requirement that the parent provide updated contact  
94 information not later than five calendar days after any change in the  
95 contact information.

96 ~~[(d)]~~ (e) Upon the issuance of any order assigning custody of the  
97 child to the Commissioner of Children and Families, or not later than  
98 sixty days after the issuance of such order, the court shall make a  
99 determination whether the Department of Children and Families made  
100 reasonable efforts to keep the child with his or her parents prior to the  
101 issuance of such order and, if such efforts were not made, whether  
102 such reasonable efforts were not possible, taking into consideration the  
103 best interests of the child, including the child's health and safety.

104 ~~[(e)]~~ (f) In determining whether a child is in need of support and, if  
105 in need, the respective abilities of the parents to provide support, the  
106 court shall take into consideration all the factors enumerated in section  
107 46b-84 of the 2008 supplement to the general statutes.

108 ~~[(f)]~~ (g) When the court is not sitting, any judge of the court may  
109 make any order in the cause which the court might make under this  
110 section, including orders of injunction, prior to any action in the cause  
111 by the court.

112 ~~[(g)]~~ (h) A parent not granted custody of a minor child shall not be  
113 denied the right of access to the academic, medical, hospital or other

114 health records of such minor child, unless otherwise ordered by the  
115 court for good cause shown.

116 [(h)] (i) Notwithstanding the provisions of subsections (b) and (c) of  
117 this section, when a motion for modification of custody or visitation is  
118 pending before the court or has been decided by the court and the  
119 investigation ordered by the court pursuant to section 46b-6  
120 recommends psychiatric or psychological therapy for a child, and such  
121 therapy would, in the court's opinion, be in the best interests of the  
122 child and aid the child's response to a modification, the court may  
123 order such therapy and reserve judgment on the motion for  
124 modification.

125 [(i)] (j) As part of a decision concerning custody or visitation, the  
126 court may order either parent or both of the parents and any child of  
127 such parents to participate in counseling and drug or alcohol  
128 screening, provided such participation is in the best interests of the  
129 child.

130 Sec. 2. Section 46b-61 of the general statutes is repealed and the  
131 following is substituted in lieu thereof (*Effective October 1, 2008*):

132 (a) In all cases in which the parents of a minor child live separately,  
133 the superior court for the judicial district where the parties or one of  
134 them resides may, on the application of either party and after notice is  
135 given to the other, make any order as to the custody, care, education,  
136 visitation and support of any minor child of the parties, subject to the  
137 provisions of sections 46b-54, 46b-56, as amended by this act, 46b-57  
138 and 46b-66. Proceedings to obtain such orders shall be commenced by  
139 service of an application, a summons and an order to show cause.

140 (b) (1) In all cases in which the parents of a minor child live  
141 separately, the superior court for the judicial district where the parties  
142 or one of them resides shall, on the application of either party and after  
143 notice is given to the other, order a parent to provide the other parent  
144 with emergency notification contact information, including the

145 parent's address and telephone number, for use in the event of an  
 146 emergency with respect to the child, except that the court shall decline  
 147 to enter such order if the court finds (A) the parent objects to providing  
 148 such contact information and has shown good cause to refuse to  
 149 disclose such contact information, or (B) the parent is ineligible for  
 150 visitation pursuant to section 46b-59b or any other provision of law.  
 151 Such good cause may include, but need not be limited to, the existence  
 152 of a restraining order against the other parent.

153 (2) If the court finds that the objecting parent has shown good cause  
 154 to refuse to disclose such contact information, the court shall order the  
 155 parent to provide such contact information to the Commissioner of  
 156 Children and Families, who shall maintain such information as  
 157 confidential, except that the commissioner may release such  
 158 information to school or medical personnel or law enforcement  
 159 officials if the commissioner finds that such disclosure is necessary for  
 160 the welfare of the child, provided such contact information shall not be  
 161 disclosed further without the consent of the parent.

162 (3) With respect to any order issued under this subsection that  
 163 requires a parent to provide contact information, the court shall  
 164 include a requirement that the parent provide updated contact  
 165 information not later than five calendar days after any change in the  
 166 contact information.

167 (4) Proceedings to obtain such orders shall be commenced by  
 168 service of an application, a summons and an order to show cause.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	46b-56
Sec. 2	<i>October 1, 2008</i>	46b-61

***Statement of Purpose:***

To require a noncustodial parent to provide emergency contact information to the custodial parent, or to the Department of Children

and Families when appropriate, unless exempted by the court, in the event of an emergency with respect to the parents' child.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*